

Form PTO 3390

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

P20670

5

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/763,617

INTERNATIONAL APPLICATION NO.

PCT/EP99/06486

INTERNATIONAL FILING DATE

3 September 1999

PRIORITY DATE CLAIMED

5 September 1998

TITLE OF INVENTION

GABA UPTAKE INHIBITORS HAVING A PYRROLIDINE STRUCTURE

APPLICANT(S) FOR DO/EO/US

Klaus WANNER, Günther FÜLEP, and Georg HÖFNER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
"Executed"
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (U.S.C. 371(c)(5)).

Items 11 to 16 below concern other document(s) or information included:

11. Assignee: BDD BEROLINA DRUG DEVELOPMENT AB of Svedala, SWEDEN
12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ Figure of Drawing to be published _____
18. ☒ Other items or information:
Cover Letter.
Copy of Form PCT/DO/EO/905.

| | | | | | |
|----------------------------------------------------------------|--|-------------------------------------------------|--|------------------------------------|--|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.53) 09/763,617 | | INTERNATIONAL APPLICATION NO. PCT/EP99/06486 | | ATTORNEY'S DOCKET NUMBER P20670 | |
|----------------------------------------------------------------|--|-------------------------------------------------|--|------------------------------------|--|

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--------------|--|--------------|--|
| 19. <input checked="" type="checkbox"/> The following fees are submitted: <div style="margin-left: 40px;"> Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search report has been prepared by the EPO or JPO. \$ 860.00 International preliminary examination fee paid to USPTO (37 CFR 1.482). \$ 690.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO(37 CFR 1.445(a)(2)). \$ 710.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2) paid to USPTO. \$1,000.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4). \$ 100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> </div> | | | | CALCULATIONS | | PTO USE ONLY | |
| | | | | | | | |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|-----------|--|--|--|
| Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u> <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ 130.00 | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|-----------|--|--|--|

| Claims | Number Filed | Number Extra | RATE | | |
|---------------------------------------------|--------------|--------------|------------|---------|--|
| Total Claims | 15 - 20 = | 0 | X \$18.00 | \$ 0.00 | |
| Independent Claims | 1 - 3 = | 0 | X \$80.00 | \$ 0.00 | |
| Multiple dependent claim(s) (if applicable) | | | + \$270.00 | \$ 0.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 0.00 | |

| | | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--|--|--|----------|--|--|--|
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ 65.00 | | | |
| SUBTOTAL = | | | | \$ 65.00 | | | |

| | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|----------|--|--|--|
| Processing fee of \$130.00 for furnishing the English translation later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ 0.00 | | | |
| Extension of Time fee in the amount of \$ | | | | \$ 0.00 | | | |
| TOTAL NATIONAL FEE = | | | | \$ 65.00 | | | |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|----------|--|--|--|
| Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ 0.00 | | | |
| TOTAL FEES ENCLOSED = | | | | \$ 65.00 | | | |

| | | | | | | | |
|---------------------------------------|--|--|--|-----------------------|--|----|--|
| 05/13/2001 LLANDGRA 00000042 09763617 | | | | Amount to be refunded | | \$ | |
| 01 FC:254 65.00 DP | | | | | | | |
| | | | | Charged | | \$ | |

a. ☒ A check in the amount of \$65.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0082.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO CUSTOMER NO. 7055
 AT THE PRESENT ADDRESS OF:
 Neil F. Greenblum
 GREENBLUM & BERNSTEIN, P.L.C.
 1941 Roland Clarke Place
 Reston, VA 20191
 (703) 716-1191

SIGNATURE

NAME Neil F. Greenblum

REGISTRATION NUMBER 28,394

P20670.P08

13- PCT/EP 1999/06486 14 JUN 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Klaus WANNER et al.

Serial No : 09/763,617
(National Stage of PCT/EP99/06486)

I.A. Filed : September 3, 1999

For : GABA UPTAKE INHIBITORS HAVING A PYRROLIDINE STRUCTURE

COVER LETTER

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In order to comply with the requirements (copy enclosed) for the submission of an executed declaration of the International Application set forth in the Notification mailed April 17, 2001 which sets a two month period of response until June 18, 2001 (being that June 17, 2001 falls on a Sunday), Applicants hereby submit:

- Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
- an executed Declaration and Power of Attorney;
- a check in the amount of \$65.00 to cover the surcharge for late filing of the Declaration.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, he is invited to contact the undersigned at the
below listed number.

Respectfully submitted,
Klaus WANNER et al.



Neil F. Greenblum
Reg. No. 28,394

Reg No.
31,296

June 8, 2001
GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke
Reston, VA 20191
(703) 716-1191



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

| | | |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/763617 | WANNER | K P20670 |
| INTERNATIONAL APPLICATION NO. | | |

NEIL F. GREENBLUM
GREENBLUM & BERNSTEIN
1941 ROLAND CLARKE PLACE
RESTON, VA 20191

PCT/EP99/06486

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 03 SEP 99 | 05 SEP 98 |

DATE MAILED:

17 APR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☐ Copy of the international application. ☒ Translation of the international application into English.
☒ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☐ Other:
☒ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

- Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Paulette Kidwell, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3656

RECEIVED

APR 20 2001

GREENBLUM & BERNSTEIN, P.L.C.